

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

MAR 30 2010

JOHN F. CORCORAN, CLERK
BY: *H. McDaniel*
DEPUTY CLERK

UNITED STATES OF AMERICA)	Criminal Action No. 4:06-cr-00049-3
)	
v.)	<u>§ 2255 ORDER</u>
)	
ELIGIA JUNIOR MARTIN,)	By: Hon. Jackson L. Kiser
Petitioner.)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that petitioner's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** as untimely filed; petitioner's motion for leave to proceed in forma pauperis is **DENIED as moot**; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the United States.

ENTER: This 30th day of March, 2010.

Jackson L. Kiser
Senior United States District Judge